

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BUNGIE, INC., a Delaware corporation,

Plaintiff,

v.

KUNAL BANSAL, an individual, d/b/a
LAVICHEATS.COM,

Defendant.

CASE NO. 2:21-cv-01111-TL

ORDER GRANTING
MOTION TO SEAL

This matter comes before the Court on Plaintiff Bungie, Inc.'s Motion to Seal (Dkt. No. 45). Having reviewed the unopposed Motion and all supporting materials, the Court GRANTS the Motion.

I. BACKGROUND

With its Motion for Entry of Default Judgment, Bungie has filed an unredacted declaration of James Barker. *See* Dkt. No. 47 (sealed). The declaration contains nonpublic information about how the cheating software Bansal sold circumvented Bungie's technological measures designed to restrict access to the Destiny 2 videogame and non-public information

1 about Bungie’s anti-cheat prevention efforts. In support of the Motion to Seal, Barker avers that
2 the information in his sealed declaration contains “non-public information about Bungie’s game
3 security and anticircumvention features and specific non-public details of how the cheat software
4 sold by Bansal interacted with, and infringed upon, Bungie’s *Destiny 2* video game.” Dkt. No. 46
5 ¶ 3. Barker also asserts that “[p]ublic disclosure of this information would likely cause Bungie
6 immediate and irreparable harm by exposing Bungie’s trade secrets and proprietary security and
7 anticircumvention technology to cheat manufacturers, providing them with a how-to manual for
8 attacking *Destiny 2* and harming Bungie.” *Id.* ¶ 4. Barker also avers that “[d]isclosing such
9 technical and proprietary information to competitors would also harm Bungie.” *Id.*

10 II. DISCUSSION

11 The party seeking to keep material filed under seal must meet either the “good cause” or
12 “compelling interest” standard. *See Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092,
13 1101 (9th Cir. 2016). The “compelling interest” test applies if “the motion [related to which the
14 materials are filed] is more than tangentially related to the merits of a case.” *Id.* If not, then the
15 good cause standard will apply.

16 Here, the compelling interest standard applies to the Motion to Seal because the
17 documents at issue have been filed in support of Bungie’s Motion for Entry of Default Judgment
18 which directly concerns the merits of this action and are “more than tangentially related to the
19 merits of a case.” *Ctr. for Auto Safety*, 809 F.3d at 1101. “Under this stringent standard, a court
20 may seal records only when it finds a compelling reason and articulate[s] the factual basis for its
21 ruling, without relying on hypothesis or conjecture.” *Ctr. for Auto Safety*, 809 F.3d at 1096–97.
22 The court must “conscientiously balance[] the competing interests of the public and the party
23 who seeks to keep certain judicial records secret.” *Kamakana v. City & County of Honolulu*, 447
24 F.3d 1172, 1179 (9th Cir. 2006) (citation and quotation omitted). Examples of compelling

